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# CONGRESS *and* JAPAN

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*Inside History of the Exclusion  
Measure*

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The Fundamental Reasons Which  
Induced Action By Congress

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The Movement to Have That  
Action Reconsidered

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# Foreword

On May 26th, 1924, President Coolidge approved the immigration bill under protest, his protest being based on the inclusion in the bill of a general provision excluding aliens ineligible to citizenship. Relying doubtless upon assurances of Secretary of State Hughes, the President insisted that exclusion, so far as concerns Japanese, could be accomplished equally effectively and without injury to Japan's feelings by agreement, or treaty, or by giving Japan place in the quota. Congress almost unanimously, and without regard for party or district affiliations, held to the contrary.

Subsequently, in answer to Japan's protest, Secretary Hughes, in a dignified, courteous and statesmanlike document, advised Japan that Congress had acted entirely within its rights and without any intent to insult Japan or hurt her pride, and that the matter was ended.

President Coolidge, in accepting the Republican nomination for re-election August 14th, said: "I should have preferred to continue the policy of Japanese exclusion by some method less likely to offend the sensibilities of the Japanese people. I did what I could to minimize any harm that might arise. But the law has been passed and approved, and the incident is closed. We must seek by some means besides immigration to demonstrate the friendship and respect which we feel for the Japanese nation. Restricted immigration is not an offensive but a purely defensive action. It is not adopted in criticism of others in the slightest degree, but solely for the purpose of protecting ourselves. We cast no aspersions on any race or creed, but we must remember that every object of our institutions of society and government will fall unless America be kept American."

The Federal Council of Churches of Christ of America, acting through its subsidiary organization, the Commission for International Goodwill, and with co-operation of various other associations, inaugurated a campaign to induce Congress to

dices and feelings, regardless of conditions and my permanent interests, but rather he who, even at the risk of injuring my pride and jeopardizing our friendly relations, acquaints me frankly with the facts and submits them to my judgment for decision. It is in the belief that you entertain similar views, and with appreciation of your position as a leader of Japanese thought in California, that I submit these suggestions for your consideration.

### **The Unwise Counsel of Friends**

"In the matter of Japanese immigration to this country Japan, in my judgment, has been induced within the past six months to place herself in a false and embarrassing position by listening to the unwise counsel of those in this country whom she regards as her friends.

"She was encouraged by these friends to request from Congress and this nation action which could not be taken without violation of the statutes and policies which have governed our conduct in such matters since the nation began. She is now being encouraged by the same parties to persist in this course with the assurance that the action taken by Congress is not endorsed by public sentiment, and that therefore repeal or modification of the exclusion measure can be readily secured.

"I do not question the good faith of these friends of Japan. I do question their discretion. They are either ignorant of, or blind to, the fundamental facts and principles in the case. For reasons explained hereafter, Congress had no alternative than to follow the course adopted, it will not undo what has been done, and, under existing conditions, the American people will not permit it to retrace the steps taken.

Congress, in this matter, acted in strict accord with the long established laws and policies of the nation, which have for their object the preservation of this country for the white race, as Japan is governed in her immigration and other policies by the obvious necessity for preservation of Japan for the Japanese. Until our laws and policies are changed at the demand of public opinion, Congress must continue to maintain its present attitude.

### **Appreciation of Japan's Feelings**

"I say this with full and sympathetic under-

modify the exclusion feature of the Immigration Act so as to meet the demands of Japan. Assurances were given Japan by these organizations that President Coolidge and Secretary Hughes are opposed to the exclusion measure, that the sentiment of the American people disapproves it, and that effort will be made by Japan's friends in this country "to have the wrong righted."

The reaction upon Japan and the Japanese in response to the suggestions contained in this campaign and to direct messages sent is evident in action taken and statements given out, both official and unofficial in character. The Foreign Office in Tokyo gave out a statement on August 17, which was published in this country, in which it was said: "President Coolidge may regard this incident as closed, but Japan does not. Japan will continue her protests."

In the belief that a campaign of the character referred to would be fruitless in the result desired by the organizations which inaugurated it, but would increase friction and ill will between the two nations, and that the movement was started in ignorance of important facts, a brief statement of the case was presented for consideration of Japan and the Japanese in the following letter to the Editor of 'Nichi Bei', of San Francisco, the most widely distributed Japanese vernacular daily newspaper published outside of Japan.



JAMES K. FISK  
DEPT. ADJ. AMERICAN LEGATION  
[CHAIRMAN]

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## California Joint Immigration Committee

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HON. JAMES D. PHELAN  
[TREASURER]

V. S. McCLATCHY  
[SECRETARY]

"My dear Mr. Abiko:

"This is a memorandum (made at your suggestion) of certain views offered by me in our conversation last week.

"You and I, with others of your race and of mine, are sincerely desirous that the traditional friendship between Japan and the United States shall be maintained and that the two nations shall perform for many years the joint duty of conserving peace on the Pacific.

"I regard as my true friend not he who encourages me to act in accordance with my prejudices and feelings, regardless of conditions and my permanent interests, but rather he who, even at the risk of injuring my pride and jeopardizing our friendly relations, acquaints me frankly with the facts and submits them to my judgment for decision. It is in the belief that you entertain similar views, and with appreciation of your position as a leader of Japanese thought in California, that I submit these suggestions for your consideration.

"July 23, 1924.

"You are

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### Appreciation of Japan's Feelings

"I say this with full and sympathetic understanding of Japan's position. She feels that whatever may have been the justice of an exclusion policy directed against the people of Asia, including Japan, by the United States 100 or even 50 years ago, she has, through her own efforts and by study of Western methods risen to the position of dominant power in Asia and is recognized as one of the great World Powers, sitting in council on equal terms with United States, Great Britain, France and Italy. She feels, therefore, that her nationals are entitled to preferential treatment in the United States over those of other Asiatic nations, and to equal treatment with the nationals of Europe.

### The Unwise Counsel of Friends

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"She was encouraged by these friends to request from Congress and this nation action which could not be taken without violation of the statutes and policies which have governed our conduct in such matters since the nation began. She is now being encouraged by the same parties to persist in this course with the assurance that the action taken by Congress is not endorsed by public sentiment, and that therefore repeal or modification of the exclusion measure can be readily secured.

"I do not question the good faith of these friends of Japan. I do question their discretion. They are either ignorant of, or blind to, the fundamental facts and principles in the case. For reasons explained hereafter, Congress had no alternative than to follow the course adopted, it will not undo what has been done, and, under existing conditions, the American people will not permit it to retrace the steps taken.

Congress, in this matter, acted in strict accord with the long established laws and policies of the nation, which have for their object the preservation of this country for the white race, as Japan is governed in her immigration and other policies by the obvious necessity for preservation of Japan for the Japanese. Until our laws and policies are changed at the demand of public opinion, Congress must continue to maintain its present attitude.

### Our Naturalization and Immigration Policies

"The privilege of naturalization was limited by Federal Statute in 1790 to persons of the white race. After the Civil War that privilege was extended by amendment to the black race in the effort to solve the problem created by slavery. Otherwise, the law has remained unchanged in fundamentals; and members of the yellow and brown races are barred from the privilege of naturalization today as they were 130 years ago. This statute, as applied to Japanese, was upheld by a recent decision of the United States Supreme Court.

"Our immigration policy has been in strict accord with the naturalization policy. Whenever the number of any branch of the yellow or brown races entering this country became large enough to justify concern, exclusion measures were adopted against it.

"The Chinese were excluded in 1882, by special act of Congress.

"The Japanese were excluded in 1907, under the Gentlemen's Agreement, and at Japan's request in preference to an exclusion law which would have hurt her pride. But, as explained in President Roosevelt in his autobiography and in existing documents, the Agreement was an exclusion measure designed to prevent further increase in Japanese population in continental United States, lest economic competition and racial friction should create trouble between the two friendly nations; and it was agreed that should the plan fail to accomplish its purpose, an Exclusion law should be enacted against Japan.

"The Hindus, and other Asiatics of the yellow and brown races, were excluded in 1917 by what is known as 'the Barred Zone Act.'

### The Gentlemen's Agreement Ineffective

"These measures have proved effective in excluding all immigration referred to except that from Japan. The Hindus have ceased to come; Chinese population in continental United States has decreased over one half since 1882; but the Japanese population increased between 1907 and 1923 from 53,000 to 110,000 if the United States Census figures are adopted and from 53,000 to 150,000 if the corrected figures for population for 1920 are used. (See my Brief prepared for consideration of the Department of State in 1921, Secs. 63 to 63A.) Since 1920 there has been material increase in the Japanese births alone in Hawaii and California amounting to 10,000 per year.

"Japan declares she has fulfilled the conditions of the Gentlemen's Agreement in good faith. It is not necessary to question her good faith in the matter. It is sufficient to point out that the Agreement in operation has failed to produce the desired and agreed results; that while its purpose was to prevent further entrance of Japanese for permanent settlement and any increase of the resident Japanese population, relatives and new wives continued to come with the resulting multiplication of population referred to.

### Not Discriminatory

"Congress determined, therefore, that the agreement should be cancelled and some effective method adopted for securing the agreed result—exclusion. Rather than give offense to Japan by enacting a special exclusion law against Japanese (which

duced the action by Congress, and a belief that it was inspired by dislike for, or intent to injure or insult Japan, or the Japanese, are creating a feeling of animosity on the part of the Japanese people here and in Japan, which, if not eradicated, may materially interfere with friendly relations in the future. It is important that misunderstanding of this character be corrected by authorized statement from responsible sources.

"You will have noticed that on this side of the Pacific every effort has been made to prevent growth of misunderstanding or ill will; and that the four California organizations most prominent in the campaign for passage of the exclusion feature of the Immigration Act have been equally insistent on just and courteous treatment of, and friendly relations with, the Japanese who have settled in this country practically at the invitation of this Government.

"With appreciation of your friendship and of the efficient work which you have done for your own people in California and for the State as well, in fostering friendly relations, believe me,

"Sincerely yours,

"V. S. McCLATCHY."

MR. K. ABIKO,  
Editor "Nichi Bei,"  
San Francisco, Cal.



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...Congress simply enacted into a gen  
...without mention of Japan or the Ja  
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...uraging immigration of aliens into  
...citizenship

...said not regard this action as dis  
...atory to her people, since they con  
...less than 3 per cent of the peoples affected,  
...right to object to the principle  
...agreed to it in making the  
...Agreement in 1907, and since, in the  
...the Japanese she has found it necessary  
...Chinese and Koreans from Japan  
...nly, this nation, having determined to  
...strict immigration in the interests of assimila  
...has done the obvious and logical thing in  
...ing incidentally aliens who are ineligible to  
...and who are and must remain hope  
...assimilable because of that disability im  
...posed by our laws

...Japan at the instance of presumed friends in  
...and unofficial circles in this country, has  
...tested against this action and insisted that the  
...desired could be secured equally well and  
...less hurt to her pride through a new Gentle  
...Agreement or through modification of the  
...Agreement or through a treaty or by  
...ing Japan under the quota

#### Agreement, Treaty and Quota

...friends who gave Japan this advice were  
...ment of the fundamental facts and prin  
...in the matter or deliberately ignored them,  
...Congress with full knowledge of these matters  
...it could not and would not pursue any  
...other than that adopted. All other plans  
...are open to insurmountable objections  
...established policy of the nation as to  
...ization and immigration undergoes radical  
...ing. This, it is hoped, will be made plain by  
...following statement

...regulation is a domestic question, the regu  
...of which, under the Constitution, belongs  
...Congress exclusively

...immigration coming to this country during  
...century years that coming from Japan, has been  
...gated by general or special act of Congress

"Any attempt by the Executive Department to  
regulate immigration by agreement, or treaty, is  
an invasion of the Congressional prerogative, and  
Congress apparently will no longer tolerate such  
invasion, particularly when the obvious intent is  
to violate or evade the established policy of the  
nation.

"The Gentlemen's Agreement not only constituted  
an invasion of Congressional prerogative by the  
Executive, but it surrendered the national sover  
eignty in conceding to a foreign nation control  
of immigration from that nation. Such a relin  
quishment of sovereign right is made by no other  
world power, certainly not by Japan; and the  
United States has made such concession to no  
nation save Japan. These were sufficient rea  
sons in the judgment of Congress for cancella  
tion of the Gentlemen's Agreement, and for refusal to  
consider a similar agreement in the future.

"To place Japan under the quota can not be  
done without violating the established policy of  
the nation, since such plan would give to certain  
aliens ineligible to citizenship, and excluded there  
fore as immigrants, the same rights in admission  
as are granted to aliens eligible to citizenship, and  
further would discriminate in favor of one nation  
whose people are ineligible to American citizenship  
while still barring all others ineligible to that  
privilege.

"The quota plan had the additional practical  
objection that if the immigration act were so  
modified in the future as to admit wives outside  
the quota it would make possible the entrance of  
a flood of Japanese women coming as wives for  
the 40,000 or 50,000 Japanese bachelors in con  
tinental United States, with a consequent material  
increase of the Japanese population.

#### The Position of Congress

Congress, through a committee consisting of  
the Chairman of the Immigration Committee and  
the Republican and the Democratic leader of each  
house, explained these facts to the President and  
assured him, if he vetoed the bill it would be passed  
over his veto by an overwhelming majority, in  
pursuance of what Congress conceived to be its  
plain duty. It must be remembered, too, that the

action of Congress in the matter was due only in  
small part to resentment at the tone of the letter  
written by Ambassador Hanthari, for a poll of the  
Senate two days before that letter appeared  
showed 54 votes (a substantial majority) in the  
Senate pledged to the exclusion of aliens ineligible  
to citizenship, while in the House a much larger  
majority in favor thereof had been conceded for  
some weeks.

"What is true as to the facts and as to the  
attitude of Congress in late May when the Presi  
dent signed the bill, is equally true today. And  
public sentiment, which generally endorsed the  
principle of exclusion then, is becoming more pro  
nounced now in its approval of the course taken by  
Congress as the detailed reasons therefor become  
known.

"I submit, therefore, with deference, that it ill  
comports with Japan's dignity to further press upon  
Congress or this nation requests or demands which  
cannot be conceded in the face of existing condi  
tions. It is not the new Immigration Law, but  
our long established naturalization law and the  
immigration policy which follows it that blocks  
the way to Japan's desires. If our naturalization  
law were so amended as to make Japanese eligible  
to citizenship that provision of the Immigration  
Bill which excludes aliens ineligible to citizenship  
would cease immediately to act as a bar to the  
entrance of Japanese immigrants.

#### Investigation Suggested

"It is as a true friend of Japan, and as one  
who desires to see a permanent continuance of  
friendly relations between Japan and the United  
States, that I suggest a dispassionate considera  
tion of the suggestions of this letter and an in  
vestigation of the conditions as herein outlined.  
You will not think me presumptuous in expressing  
the belief that such a course will furnish more  
dependable basis for just and effective action than  
implicit reliance upon the assurances and advice  
of those who, however friendly to Japan, do not  
know, or else choose to ignore, the existing condi  
tions.

"It is unfortunate, too, that lack of knowledge  
of these conditions and of the reasons which in

duced the action by Congress, and a belief that  
it was inspired by dislike for, or intent to injure or  
insult Japan, or the Japanese, are creating a feel  
ing of animosity on the part of the Japanese  
people here and in Japan, which, if not eradicated  
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MR. K. ABRAHAM,  
Editor "Nicht For,"  
San Francisco, Cal.







